IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 5TH DECEMBER 2007 / 14TH AGRAHAYANA 1929

WP(C).No. 34395 of 2007(T)

PETITIONER:

PUTHEN PEEDIYEKKAL ANWAR,
S/O.KUTTIMAMED HAJI, AGED 30 YEARS, VADAKKE
PARAMBIL HOUSE, ERIVETTY, P.O.CHENGARA,
VIA AREACODE, MALAPPURAM DISTRICT.

BY ADV. SRI.K.M.SATHYANATHA MENON
SMT.S.SMITHA (PARAKKAL)

RESPONDENTS:

---

1. THE KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY ITS CHAIRMAN, VYDHYUTHI
BHAVAN, TRIVANDRUM.

2. ASSISTANT EXECUTIVE ENGINEER,
ELECTRICAL MAJOR SECTION,
K.S.E.BOARD, AREACODE, MALAPPURAM
DISTRICT.

3. THE DEPUTY CHIEF ENGINEER,
KERALA STATE ELECTRICITY BOARD,
VYDHYUTHI BHAVAN, TRIVANDRUM.

4. THE ASSISTANT ENGINEER, K.S.E.BOARD,
KEEZHUPARAMBA SECTION, MALAPPURAM DISTRICT.

BY SC SRI. P.P. THAJUDEEN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION FINALLY ON 05/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N. RAMACHANDRAN NAIR, J.

W.P.C. NO. 34395 OF 2007

Dated this the 5th day of December, 2007

JUDGMENT

Petitioner has filed Ext.P5 appeal against arrear bill for electricity charges. Standing counsel for KSEB submitted that appeal is not maintainable before Asst. Exe. Engineer before whom Ext.P5 is filed. However it is seen from Ext.P4 judgment that petitioner was given the right of filing appeal before the Asst. Exe. Engineer. In the circumstances, I direct the Asst. Exe. Engineer to treat Ext.P5 as appeal filed before him and dispose of the same within two months from now, if not already done. Petitioner will produce copy of this judgment for compliance. Even though this Court ordered payment of Rs. 75,000/- as a condition for stay against disconnection, petitioner did not remit the amount and therefore supply was disconnected. Having regard to the fact that the amount involved is only Rs. 1,15,000/- and in view of dispute, there will be direction to the fourth respondent to restore supply after petitioner remits Rs. 35,000/- towards arrears. Petitioner will continue to pay regular bills. However, balance, if any, after

disposal of appeal, will be recovered thereafter depending on result of appeal.

W.P. is disposed of as above.

Issue photocopy today itself.

(C.N. RAMACHANDRAN NAIR)
Judge